

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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<b>SPINIELLO COMPANIES,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>CIVIL ACTION NO. 04-11933-NMG</b>
	)	
<b>BRICO INDUSTRIES, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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**PLAINTIFF SPINIELLO COMPANIES' FED. R. CIV. P. RULE 26 DISCLOSURES**

Pursuant to F.R.C.P. 26(a)(3) and Local Rules 16.5(C), Plaintiff Spiniello Companies (“Spiniello”) hereby makes the following disclosures.

**I. Names and Addresses of Expected Trial Witnesses**

1. Paul Hayward  
Jason Consultants International, Inc.  
2000 Massachusetts Avenue  
NW, Washington, DC 20036  
202-223-9610
2. John Walsh  
4 Hickory Road  
Southborough, MA 01772  
508-208-5407
3. Jose Collazo  
Spiniello Companies  
12 East Daniel Road  
Fairfield, NJ 07004  
973-808-8383
4. Robert Block  
D’Annunzio & Sons Inc.  
136 Central Avenue  
Clark, NJ 07066  
732-574-1300

5. John Purciello  
340 West Broadway Avenue  
Haledon, NJ 07508  
732-496-3272
6. Frank DePaola  
MWRA  
Charlestown Navy Yard  
100 First Avenue  
Boston, MA 02129  
617-788-4825
7. Chris Houde  
CDM  
One Cambridge Place  
50 Hampshire Street  
Cambridge, MA 02139  
617-452-6000
8. James Powers  
56 Bellevue Street  
Newton, MA 02458  
617-916-1017
9. KOR of Massachusetts Water Resources Authority  
Charlestown Navy Yard  
100 First Avenue  
Boston, MA 02129  
617-788-4825
10. KOR of Camp Dresser & McKee  
One Cambridge Place  
50 Hampshire Street  
Cambridge, MA 02139  
617-452-6000

Spiniello reserves the right to supplement this list prior to trial and/or rely on any other witness(es) listed on the witness list submitted by the Defendant. Spiniello further reserves the right to supplement this witness list based on evidence produced in the Defendant's case.

**II. Designation of Witness Testimony to be Presented by Deposition**

None.

**III. Exhibits Expected to Be Submitted at Trial**

- A. Conformed Massachusetts Water Resources Authority (“MWRA”) Contract No. 6280 (October 1999) and Specifications thereto.
- B. December 2, 1999 letter from Haines to MWRA.
- C. December 20, 1999 Quotation from Brico to Spiniello.
- D. March 7, 2000, Spiniello purchase order No. 51566 to Brico.
- E. Brico’s Purchase Order Confirmation to Spiniello dated March 27, 2000.
- F. May 1, 2000 letter from Brico to Spiniello.
- G. Spiniello to Brico dated May 12, 2000.
- H. Brico’s March 31, 2000 submittal for the inner seals.
- I. June 29, 2000 e-mail from Spiniello to Brico.
- J. Shipment and freight documents from Brico, dated July 20, 2000 and August 4, 2000.
- K. Invoices from Brico to Spiniello dated July 20, 2000, July 26, 2000 and July 29, 2000.
- L. Resident Engineer’s Daily reports and memorandum dated: 5/26/00, 5/30/00, 6/7/00, 6/15/00, 7/24/00, 7/25/00, 7/26/00, 7/27/00, 7/31/00, 8/1/00, 8/7/00, 8/9/00, 8/10/00, 8/11/00, 8/14/00, 8/15/00, 8/22/00, 8/23/00, 8/28/00, 9/6/00, 9/15/00, 9/18/00, 9/19/00, 10/19/00, 11/1/00, 11/13/00, 11/14/00, 11/15/00, 11/21/00, 11/22/00, 11/27/00, 12/5/00, 12/7/00, 12/8/00 and 1/25/01.
- M. July 27, 2000 Letter from Spiniello to Brico.
- N. August 9, 2000 memorandum from Brico to Spiniello.
- O. August 16, 2000 Quotation from Brico to Spiniello.

- P. August 28, 2000 letter from Spiniello to Brico.
  - Q. Jason Consultants Report dated August 30, 2000.
  - R. September 11, 2000 letter from Spiniello to Brico.
  - S. September 15, 2000 letter from Brico to Spiniello.
  - T. September 20, 2000 letter from Brico to Spiniello.
  - U. October 3, 2000 letter from Spiniello to Brico.
  - V. October 17, 2000 letter from Brico to Spiniello.
  - W. October 24, 2000 letter from Brico to Spiniello.
  - X. October 25, 2000 letter from Brico to Spiniello.
  - Y. October 25, 2000 letter from Spiniello to CDM.
  - Z. November 2, 2000 letter from CDM to Spiniello.
  - AA. February 5, 2001 facsimile from Brico to Spiniello.
  - BB. Spiniello Check No. 36996 to Brico dated 2/14/01.
  - CC. February 16, 2001 letter from Spiniello to Brico.
  - DD. February 28, 2001 letter from Brico to Spiniello.
  - EE. June 4, 2001 letter from Spiniello to Brico.
  - FF. June 11, 2001 letter from Victaulic to Spiniello.
  - GG. November 5, 2001 Claim Binder from Spiniello to CDM.
  - HH. December 23, 2002 Claim Binder from Spiniello to MWRA.
- II. June 5, 2006 revised claim letter to MWRA.

Spiniello reserves the right to supplement this list prior to trial and/or rely upon exhibits introduced or listed by Brico or use those additional exhibits at time of trial as discovery and/or evidence develops at trial.

**SPINIELLO COMPANIES,**

By its attorneys,

/s/ Jeremy Blackowicz

Charles E. Schaub, Jr. (BBO #444920)  
Jeremy Blackowicz (BBO #650945)  
Hinckley, Allen & Snyder, LLP  
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Boston, MA 02109  
(617)345-9000

Dated: October 1, 2007

**CERTIFICATE OF SERVICE**

I, Jeremy Blackowicz, hereby certify that on this 1st day of October 2007, this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Grace V. Bacon Garcia, Esq.  
Morrison Mahoney, LLP  
250 Summer Street  
Boston, Massachusetts 02110

/s/ Jeremy Blackowicz